

FILED

IN THE DISTRICT COURT OF THE UNITED STATES JAN 20 2006
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

MOSES PENNIC, III

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CR. NO. 2:06 CR 014-WJ
[18 USC 924(c)(1)(A);
21 USC 841(a)(1)]INDICTMENTCLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

The Grand Jury charges:

COUNT 1

On or about the 20th day of July, 2005, in Montgomery County, in the Middle district of Alabama, the defendant,

MOSES PENNIC, III,

did knowingly possess, with intent to distribute, a mixture and substance containing a detectable amount of cocaine hydrochloride, more commonly referred to as cocaine powder, a Schedule II Controlled Substance, and marijuana, a Schedule I Controlled Substance, all in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 2

On or about the 20th day of July, 2005, in Montgomery County, in the Middle District of Alabama, the defendant,

MOSES PENNIC, III,

did knowingly possess a Desert Eagle .40 caliber handgun, bearing serial number 32314915, in furtherance of a drug trafficking as charged in Count 1 herein, and did use and carry said firearm during and in relation to a drug trafficking offense as charged in Count 1 herein, in violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE ALLEGATION

A. Counts 1 and 2 of this Indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 924(c)(1)(A), as alleged in Count 2 of this Indictment the defendant,

MOSES PENNIC III,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense including, but not limited to, the following:

One Desert Eagle .40 Caliber Handgun, Serial Number 32314915

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided without

difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the property described in

Paragraph B above. All in violation of Title 18, United States Code, Section 924.

A TRUE BILL:

Jayne D. Gilbert
Foreperson

Leura G. Canary

LEURA GARRETT CANARY

United States Attorney

John T. Harmon

John T. Harmon

Assistant United States Attorney

(C. David Cooke, Jr.)

K. David Cooke, Jr.

Assistant United States Attorney